



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

LCC:ddj

Docket No: 6654-99

16 February 2000

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

[REDACTED]

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 16 February 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CMC memorandum 1400/3 MMPR-2 of 10 January 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
MANPOWER AND RESERVE AFFAIRS DEPARTMENT
HARRY LEE HALL, 17 LEJEUNE ROAD
QUANTICO, VIRGINIA 22134-5104

IN REPLY REFER TO:
1400/3
MMPR-2
10 Jan 00

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: ADVISORY OPINION IN THE CASE OF GUNNERY SERGEANT [REDACTED]

Ref: (a) CMC 1420/2 MMPR-2 ltr of 2 Sep 99
(b) Enlisted Promotions Manual (MCO P1400.32B)

1. [REDACTED] has submitted a request for remedial consideration based on him being place on Permanent Limited Duty (PLD) status during the 1999 Sergeant Major through Master Sergeant Selection Board.

2. Per reference (a), [REDACTED] was previously denied remedial promotion consideration. His request failed to meet the criteria outlined in paragraphs 3502 and 3503 of reference (b). Specifically, paragraph 1203.3 of the edition of reference (b) that was effective when the selection board convened states Marines on PLD status are not eligible for selection consideration or promotion unless already on a selection list at the time of entering into a PLD status.

3. Although [REDACTED] was placed on PLD 2 days after the Board's convening date, he still was not eligible for promotion consideration due to the fact he was in a PLD status during the session of the Board. Recommend his request be denied.


RICHARD B. FITZWATER

Assistant Head, Enlisted Promotions
Promotion Branch
By direction of
the Commandant of the Marine Corps